

# **Exhibit “D”**

**CERTIFIED COPY**

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

BRUCE ALBERT JOHNSON,                     )  
   )  
   )  
   )  
   )  
   )  
Plaintiff,   )  
   )  
   )  
VS.   )  
   )  
   )  
   )  
   )  
   )  
CFS II, INC., an Oklahoma                     )  
corporation,   )  
   )  
   )  
   )  
Defendant.   )

VIDEOTAPED DEPOSITION OF BRYAN R. LOHMEYER,  
taken on behalf of the Plaintiff, on the 6th day of  
November, 2012, pursuant to Federal Rules of Civil Procedure  
30(b)(6), between 1:11 p.m. and 3:28 p.m., at 9 East Fourth  
Street, Suite 902, Tulsa, Oklahoma, before Michele Vest,  
a Certified Shorthand Reporter in and for the State of  
Oklahoma.

APPEARANCES:

For the Plaintiff:                     MR. FRED W. SCHWINN  
   Consumer Law Center, Inc.  
   2 South First Street  
   Suite 1014  
   San Jose, California 95113-2418  
   (408) 294-6100

For the Defendant:                     MS. SAUNDRA BURRUS-GRIMES  
   Compliance Counsel for CFS II  
   2488 E. 81st Street  
   Suite 500  
   Tulsa, Oklahoma 74137  
   (918) 394-3950

Videographer:                     MR. MATTHEW SALMONSEN



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1 MR. SCHWINN: Would the court reporter,  
2 please, swear in the witness.

13:13:20

3 BRYAN R. LOHMEYER,  
4 after having been first duly sworn to tell the truth, the  
5 whole truth, and nothing but the truth, testified as  
6 follows:

7 DIRECT EXAMINATION

8 BY MR. SCHWINN:

9 Q Again, would you please state your name for the court  
10 reporter and the record.

13:13:34

11 A Bryan Richard Lohmeyer.

12 Q Would you spell your last name, please.

13 A L-o-h-m-e-y-e-r.

14 Q And please give us your address.

15 A 2488 East 81st Street. Suite 500, Tulsa, Oklahoma  
16 74137.

13:13:43

17 Q And who is your employer?

18 A CFS II.

19 Q Okay. And you are the designated witness for today's  
20 deposition?

13:14:00

21 A Yes, sir.

22 (WHEREUPON, Exhibit No. 1 was marked  
23 for identification purposes.)

24 Q Okay. Let me hand you what the court reporter has  
25 previously marked Exhibit 1. If you will quickly

13:14:04

Page 4

1 Q And then the next entry going up the page, could you 13:31:14  
2 read that to us?

3 A Ashley Muglia -- oh, Muglia Ashley 1/17/2010 -- 2011  
4 9:59 second notice sent.

5 Q Okay. What is -- what's happening in this line? 13:31:31

6 A That is our second notice letter that we sent out.  
7 And Ashley was one of the -- she worked in the loan  
8 servicing area. She's the one that sent it out.

9 Q Have you seen a copy of this second notice letter?

10 A I've seen one that was dated -- I saw one that was -- 13:31:56  
11 was that the one that was dated three --

12 Q You're the witness.

13 A I don't know.

14 MS. GRIMES: I'll look.

15 A I have not. 13:32:07

16 Q (By Mr. Schwinn) Okay. Let's go through some  
17 exhibits then.

18 MR. SCHWINN: Let's mark this the next in  
19 line.

20 MS. GRIMES: Do you not have a copy of the  
21 June 17th letter?

22 MR. SCHWINN: I don't. I have what's been  
23 produced in discovery. You said there's no  
24 further document production so we're going with  
25 the ones I have. Okay, that's for her. 13:32:13

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1 the letter is in the actual CFS II system.

13:35:11

2 Q Okay.

3 A But it was not documented by the lady who sent the  
4 letter out.

5 Q So Exhibit 2 is not the documents from the CFS II  
6 system?

13:35:20

7 A Exhibit 2, this one here? The -- this letter?

8 MS. GRIMES: This one is two.

9 A Oh, I'm sorry, yeah. This is a CFS II system, but we  
10 have a correspondence area in the system where we put

13:35:38

11 any correspondence that's mailed out. The  
12 correspondence does not take -- not back then, it was

13 not in the -- it was not -- it was updated into the  
14 system when we got a copy of this letter into the

15 correspondence tab of the system, but it was not in  
16 the -- put in the comments.

13:35:53

17 Q (By Mr. Schwinn) So is it your testimony that there  
18 are -- there is data and evidence in CFS computers --

19 CFS's computer system that is not reflected on  
20 Exhibit 2 --

13:36:20

21 A Yes.

22 Q -- with regard to this account?

23 A Yes, sir.

24 Q I refer you back to Exhibit 1 on page 2. Item number  
25 five, if you would please read that.

13:36:34

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1 A All account notes, collection logs, miscellaneous 13:36:37  
2 notes, debtor work cards, or other documentation  
3 methods, if any, whether computerized manually --  
4 whether computerized manual or other, of all  
5 activities undertaken by CFS or its employees related 13:36:51  
6 to Plaintiff.

7 Q Do you believe that the system notes that you're  
8 talking about that are not part of Exhibit 2 would be  
9 included, would be described by number five?

10 A Yes, sir. 13:37:06

11 Q Okay. But they haven't been produced?

12 MS. GRIMES: Yes, they have. Objection.

13 Q (By Mr. Schwinn) Okay. Please, show me them.

14 MS. GRIMES: In discovery they were produced.

15 MR. SCHWINN: Okay. We can stop and you can 13:37:16  
16 show me those if you would because we do not have  
17 anything other than Exhibit 2.

18 MS. GRIMES: I didn't bring discovery with  
19 me. We sent it to your office through our  
20 attorney in California. 13:37:29

21 MR. SCHWINN: I will represent that Exhibit 2  
22 is the full extent of what we've been given, and  
23 that's why it's important that we go over Exhibit  
24 2.

25 Q (By Mr. Schwinn) Okay. If there's additional 13:37:37

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1 documents that have not been previously produced and 13:37:40  
2 are not being produced at the deposition, then we  
3 will adjourn the deposition at the end and we'll  
4 reconvene at such later date when we get additional  
5 exhibits. But for now, we'll keep going. 13:37:53

6 A Okay.

7 Q Back on the -- back on Exhibit 2. Actually, on  
8 Exhibit 3. The name on the letter on the bottom of  
9 Exhibit 3 is Damon Baldridge; is that correct?

10 A Yes, sir. 13:38:14

11 Q And I also note in -- on the bottom of page 4 in  
12 Exhibit 2, Damon Baldridge's name does not appear.  
13 Would that be consistent with your previous testimony  
14 that this letter is not reflected in Exhibit 2?

15 A Yes. Yes. 13:38:32

16 Q So you believe that there are missing entries between  
17 whatever the beginning of the collection efforts were  
18 and August 17th, 2011?

19 A Yes, sir.

20 Q And it was because prior to that date or somewhere 13:38:50  
21 around that date it wasn't part of CFS' procedure to  
22 log all the letters in the notes?

23 A Yes, sir.

24 Q Okay. But after that date it was part of the  
25 procedure to log the letters? 13:39:10

Page 21

1 A Right.

13:39:11

2 Q And is this procedure in writing?

3 A The procedure, yes, it is in writing.

4 Q Okay. And has that procedure been provided?

5 MS. GRIMES: If it was requested in  
6 discovery.

13:39:21

7 MR. SCHWINN: Okay. It was requested in  
8 discovery and I will represent that it has not  
9 provided. And so again, we will ask that that be  
10 provided. And if we have further questions, we  
11 will reconvene at a later time.

13:39:31

12 Q (By Mr. Schwinn) We'll make a list for you of the  
13 additional documents.

14 A Okay.

15 MR. SCHWINN: So let's mark this next one.  
16 Let's mark this other one. What number are we up  
17 to?

13:39:40

18 THE COURT REPORTER: Five.

19 (WHEREUPON, Exhibit No. 5 was marked  
20 for identification purposes.)

21 Q (By Mr. Schwinn) Okay. I'm handing you now what's  
22 been marked Exhibit No. 5. Have you seen this  
23 document before?

24 A Not till today.

25 Q Okay. Do you recognize this document?

13:40:09

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1 MS. GRIMES: I think he's got them backwards. 14:02:06

2 A Sorry. The DCC -- the FDCPA is, This is an attempt  
3 to collect a debt. Any information obtained is used  
4 for that purpose and call can be monitored or  
5 recorded for quality assurance purposes. 14:02:14

6 The DCC is just letting them know that the  
7 calls -- the QAD is calls can be recorded and DCC is  
8 just letting them know that we're a debt collection  
9 company and I'm a debt collector.

10 Q These are scripts that are read? 14:02:32

11 A No. They have it memorized.

12 Q Okay. There is a procedure for this?

13 A Yes, sir.

14 Q Has that procedure been provided?

15 MS. GRIMES: It has through discovery. 14:02:42

16 MR. SCHWINN: It hasn't. So I'll represent  
17 to you that it has not been provided and we would  
18 ask for that. Okay.

19 Q (By Mr. Schwinn) QAD is noting that the calls can be  
20 recorded? 14:02:55

21 A Are recorded. Calls are recorded.

22 Q Okay. Are the calls recorded?

23 A Yes, sir.

24 Q Do you have the recording for this call?

25 A I'm sure we do, yes. Every call is recorded. 14:03:02

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1 Q The next entry up, Jessica Scoggins, June 6th, 2011, 14:16:32

2 12:00 a.m. Second letter sent via U.S. mail. Do you

3 see that?

4 A Yes.

5 Q Who's Jessica Scoggins?

14:16:46

6 A Jessica Scoggins is -- she's the manager of loan

7 servicing.

8 Q And as a manager she's sending out letters?

9 A She will occasionally.

10 Q Did Ashley work for her?

14:17:17

11 A Yes.

12 Q Have you seen a copy of the June 6th letter?

13 A I have not.

14 MR. SCHWINN: I don't believe it's been

15 produced in discovery either so. I would ask that

14:17:48

16 it be produced.

17 MS. GRIMES: I was just saying the June 6th

18 letter. I am making a note of the things that

19 he's requesting.

20 Q (By Mr. Schwinn) As you -- I would like for you now

14:18:10

21 to look up -- look up through the remainder of the

22 notes and see if there's anymore letters that were

23 sent according to the notes after June 6th, 2011.

24 A 10/31/2011, Ashley Muglia. We sent a settlement

25 letter that the customer agreed to pay. We sent it

14:19:16

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1           via email. It was not mailed.

14:19:20

2       Q     So what email address was that sent?

3       A     I don't believe we put the email address in the  
4            comments. They have to email us first and then we  
5            email them the information, so I don't know.

14:19:48

6       Q     Okay.

7       A     There's one there. There it is. It's right there.

8       Q     In the 10/27 note?

9       A     Yeah. Myulendog@yahoo.com.

10      Q     Okay. I would like to jump back.

14:20:17

11      A     That's all the letters I see.

12           (WHEREUPON, Exhibit No. 7 was marked  
13           for identification purposes.)

14      Q     I missed a letter. This is Deposition Exhibit No. 7.  
15            And this is Deposition Exhibit No. 6. I want to put  
16            those side by side. To me they appear to be the same  
17            letter. Do you believe them to be the same letter?

14:20:44

18      A     Yes, sir.

19      Q     I'll represent to you that Exhibit 6 was produced by  
20            CFS in discovery, and Exhibit 7 is the copy of the  
21            document that was received by my client, Bruce  
22            Johnson. There are a number of additional pages  
23            behind the first page on Exhibit 7. Could you review  
24            those?

14:21:03

25      A     (Witness complies.) Okay.

14:21:24

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1 and find out the dates on which it changed from one  
2 status to another and who it was that changed the  
3 status?

14:43:08

4 A I can get to a screen in CFS that will show me the  
5 history of each account and the status, yes.

14:43:21

6 Q The current status, but I'm talking about the  
7 historic status and dates it was changed?

8 A Yes, that's exactly what I meant.

9 Q But there's no report available that you know of that  
10 contains that information?

14:43:33

11 A I can ask Nancy and she can print us out a report.  
12 If I ask that she's going to yell and scream, but  
13 she'll print the report out.

14 Q Well, I believe that all data with regard to this  
15 account has been requested in discovery. And I  
16 believe that the dates on which statuses were  
17 changed, any additional information that's in CFS'  
18 system is responsive to that discovery.

14:43:45

19 And I'll just tell you that this isn't the first  
20 -- this isn't the first debt collection case I've  
21 ever had. And those notes are incredibly sparse for  
22 what I usually get in discovery. They just do not  
23 contain hardly any information, information that I  
24 would expect to receive in collection logs.

14:44:02

25 So let's continue. The next line up is Stacey  
Page 60

14:44:19

1 Crain on August 10th, 2011, 12:53, additional notes. 14:44:29  
2 Verification equals US Bank statements from 2008 to  
3 2010; is that what that says?  
4 A Yes.  
5 Q Is this the media that's coming back? 14:44:42  
6 A Yes.  
7 Q So are we talking about three years' worth of  
8 statements, 36 monthly statements?  
9 A Yes.  
10 Q And those would be received from CFS from NLEX? 14:44:55  
11 A Yes.  
12 Q Any idea how NLEX comes to acquire them?  
13 A Through US Bank.  
14 Q Do you have any knowledge of that?  
15 A I don't know how else -- that's how we get our data 14:45:09  
16 is through NLEX who requests it from US Bank.  
17 Q Okay. And then the next item is Stacey Crain,  
18 August 16th, 2011, 9:11 a.m., received August 15th,  
19 2011, from NLEX, media request, affidavit of claim,  
20 and what cert of amount due? 14:45:36  
21 A Certification of amount due.  
22 Q Okay. This is about a week later. What is happening  
23 here?  
24 A That's just the original -- that's the original  
25 affidavit that we request for the customers also to 14:45:51

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1           show that it is now our account or our students  
2           account.

14:45:53

3       Q    Okay.

4       A    It's just something with additionally with the bank  
5           statements.

14:46:03

6       Q    And this would be paper document signed in ink?

7       A    Yes.

8           MR. SCHWINN: I would request that that be  
9           produced. It's not been produced in discovery.

10          MS. GRIMES: Which one are you asking for?

14:46:12

11          THE WITNESS: The affidavit.

12          MR. SCHWINN: The affidavit of debt,  
13          certificate amount due.

14          MS. GRIMES: So all of the verification then?

15          THE WITNESS: Right.

14:46:18

16          MR. SCHWINN: Every piece of document, every  
17          piece of information that CFS has with regard to  
18          this account, every audio recording. The  
19          discovery request is pretty broad. It's the same  
20          as number five in the discovery notice. It's very  
21          broad.

14:46:32

22       Q    (By Mr. Schwinn) Okay. The next item is August 16th,  
23           2011, 5:06 p.m. This looks to me to be a telephone  
24           call.

25       A    Yes.

14:46:47

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1 Q Could you read the 5:06 p.m.?

14:47:51

2 A DCC given, FDCPA given to XXXXXX, QAD given. Said  
3 there is no way to pay for them, said husband is 76  
4 years old and she is 75 and nothing she can do --  
5 nothing she can do. Husband makes 1,200 a month on  
6 pension and gets SSI. Said would talk to husband,  
7 offered settlement, said nothing offered -- said  
8 nothing, offered \$60 a month, said going to talk to  
9 husband and offer mail in. Said will call us back  
10 and I had to end call, ended call -- ended call.

14:48:10

14:48:26

11 Q Okay. So the caller is the wife. And she says she's  
12 75. The husband is 76. He gets 1,200 a month in  
13 pension. She gets SSI. And in response to that the  
14 collector offers them a \$69 a month collection for  
15 this debt?

14:48:59

16 A Yes.

17 Q The next line up is 5:07. Per comments, incoming, I  
18 spoke with wife. That goes with the entry below?

19 A Yes, sir.

20 Q The next entry is on September 7th. Do you see that?

14:49:18

21 A Yes, sir.

22 Q Could you tell me -- read this one to us.

23 A Stolusky Kathy, 9/7/2011, 2:22 p.m. (408)779-4656,  
24 to wife said nothing she can do. DCC given, FDCPA  
25 given to X out, QAD given, said she just barely

14:49:44

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1       making it. Lives in a mobile home and the one and  
2       1,500 -- and on the first -- I don't know what this  
3       is. And 1,500 for rent, 500 medical, husband is 76,  
4       said she has struggled, she refuses to pay, RPC,  
5       refusal to pay.

14:49:50

14:50:12

6       Q       Okay. So DCC given, FDCPA given, QAD given. This is  
7       an outbound call that was recorded?

8       A       Yes.

9               MR. SCHWINN: I ask for the recording.

10       Q       (By Mr. Schwinn) And the one that we talked about  
11       before with Kathy Stolusky on August 16th, again,  
12       that's a recorded call as well?

14:50:28

13       A       The inbound call?

14       Q       Yeah, the inbound call, QAD given.

15       A       Yes.

14:50:42

16               MR. SCHWINN: Again, I ask for the recording  
17       on that.

18       Q       (By Mr. Schwinn) She refuses to pay. Is there a  
19       procedure at CFS when a debtor says they refuse to  
20       pay?

14:51:01

21       A       There is -- if it's a refused to pay we'll, you know,  
22       probably be a little leary of that account, but  
23       there's not really a procedure. It's usually up to  
24       the CC's discretion.

25       Q       So nothing about refuses to pay would have altered

14:51:26

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1 the way in which CFS attempted to collect this 14:51:29  
2 account?

3 A Sometimes they refuse just to discuss it at that  
4 time. And I don't know if that's what happened in  
5 this particular case. It would probably be better to 14:51:40  
6 listen to it. I can't -- I mean, a lot of times they  
7 refuse just to talk that day, call back in 30 days.  
8 I'd have to listen to the call.

9 Q Okay. So the next line up, it appears the next  
10 call -- the next call went out a week later? 14:51:59

11 A Yes, sir.

12 Q August 13th, 2011, 2:53 p.m. This is an outbound  
13 call. An answering message picked it up. And a  
14 message was left on the answering machine?

15 A Yes. 14:52:18

16 Q Are those recorded?

17 A Yes.

18 MR. SCHWINN: Okay. I ask for that recording  
19 as well.

20 Q (By Mr. Schwinn) The next is a lengthy entry. Again, 14:52:24  
21 a week later on September 21st, 2011, at 5:53 p.m.;  
22 is that correct?

23 A Yes, sir.

24 Q Okay. Is this an outbound call?

25 A Yes. 14:52:56

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1 Q Okay. And it would be recorded?

14:52:57

2 A Yes, sir.

3 MR. SCHWINN: I ask for the recording.

4 Q (By Mr. Schwinn) I notice that there is a  
5 considerable amount of narrative, and then it says  
6 DCC given, FDCPA given, QAD given. What's the  
7 procedure for giving these disclosures?

14:53:06

8 A The -- 99 percent of the time they'll give the  
9 disclosure at the very beginning of the conversation.

10 Q Is that a written policy?

14:53:26

11 A Yes. Yes, sir.

12 Q Has that written policy been produced in discovery?

13 A I don't think so.

14 Q I don't believe it has either.

15 MR. SCHWINN: I would ask that it be  
16 produced.

14:53:42

17 Q (By Mr. Schwinn) Could you read this call note and  
18 tellus what's going on here?

19 A Talked to Kathy Stalusky. He read the number, 9/21,  
20 talked to customer, talked to wife, said can't --  
21 talked to customer, talked to wife, said can't pay.  
22 Talked to bit built rapport, said customer had stroke  
23 that's why they stopped paying, said husband was  
24 working, now he isn't, bad health, said attorney is  
25 doing cease and assist, said gets paid two times a

14:53:55

14:54:10

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1 Q Does CFS ask what's the name of your attorney and  
2 what's his phone number?

14:55:45

3 A Yes, sir.

4 Q Was that done on this phone call?

5 A Again, you'll probably have to listen to the phone  
6 call.

14:55:52

7 Q Is there anything in the call notes to indicate that  
8 an inquiry was made of the debtor's wife regarding an  
9 attorney?

10 A Not that I see. No.

14:56:03

11 Q And that would be inconsistent with CFS' policies if  
12 that's actually the case when we listen to the  
13 recording?

14 A Sometimes it's a judgment call. It depends on what's  
15 on that recording.

14:56:19

16 Q So there's times when the debtor can say we have an  
17 attorney doing cease and assist for us, and it would  
18 be okay if they didn't follow up by asking who the  
19 attorney is and the scope of the representation?

20 A I don't think that would be okay, no.

14:56:36

21 Q If that in fact is what happened would that violate  
22 CFS' policies?

23 A I would have to listen to the call.

24 Q Are the policies for such things in writing for the  
25 collectors?

14:56:56

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1 A We have written policies, yes.

14:56:56

2 MR. SCHWINN: I would ask that those policies  
3 be produced.

4 Q (By Mr. Schwinn) Moving up, the bottom of the second  
5 page. Can you tell us what's happening in this first  
6 entry?

14:57:08

7 A The first entry, Stolusky Kathy, 9/24/2011, 10:25  
8 a.m. RPC no promise. I believe that's going back --

9 Q To the call three days before?

10 A I'm not sure why she put RPC no promise on that one,  
11 I don't know. I don't -- I don't see any other  
12 comments. And you're right, it's three days. I  
13 don't know.

14:57:32

14 Q From these notes?

15 A Usually, if it's RPC it means they talked to  
16 somebody, so I don't know.

14:57:48

17 Q Does this entry indicate that they talked to  
18 somebody?

19 A There's no -- unless we're missing something between  
20 the two pages which I don't see, it looks like I  
21 don't see any conversation unless they were trying --  
22 maybe she may have been putting RPC on there so we  
23 don't call her back. I don't know. I don't know.  
24 Usually if you put RPC in there then it waits three  
25 or four days before it calls the account again, or

14:57:59

14:58:21

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1           whatever day you put in there.

14:58:23

2 Q The RPC code then you can date it with a tickle date  
3 for another call?



1 out of the system. There's nothing missing from 14:59:15  
2 these.

3 Q (By Mr. Schwinn) The next entry up, could you tell us  
4 what that is and what's going on?

5 A Stolusky Kathy, 9/28/2011, 7:08 p.m., phone number, 14:59:26  
6 DCC, QAD, FDCPA given to wife, said nothings changed,  
7 she'd let me get my disclosure -- she let me get my  
8 disclosures then the call ended.

9 Q This was recorded?

10 A (Witness nods head.) 14:59:44

11 Q The outbound call was recorded?

12 A Yes, sir. Yes.

13 MR. SCHWINN: I'd ask for the recording.

14 Q (By Mr. Schwinn) And then the next one up appears to  
15 go with this same entry, the same person, same date, 14:59:57  
16 same time, per complaints RPC refusal. What's that  
17 indicate?

18 A I do not know.

19 Q RPC would be right person contacted?

20 A Right, that is correct. Right person contacted 15:00:15  
21 refusal. She may have been reviewing previous  
22 comments and just looked at the account and reviewed  
23 the account and then didn't -- well, actually, it's  
24 the same time. It goes down to below -- she just  
25 added comments to the -- on a separate line to this. 15:00:33

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1 A Okay.

15:02:06

2 Q So 10/27/2011, 7:33 p.m. Is this an outbound  
3 telephone call?

4 A Yes.

5 Q And is it recorded?

15:02:17

6 A Yes.

7 MR. SCHWINN: I ask for the recording.

8 Q (By Mr. Schwinn) Could you read this note and tell us  
9 what's happening here.

10 A Sure. Email address, customer said again can't do  
11 anything. This is what she's been telling me, told  
12 her could do a settlement I will allow her to pay it  
13 out over 20 months. She stated they can only afford  
14 about 50 to 75. I gave her a settlement offer of  
15 2,173. Would make payments around 110 or so. Asked  
16 for something in October. She said she could only do  
17 50. Told her fine, we'll take the October 28th --  
18 will take October 28th, she agreed. Total after 50  
19 payments for the 25th of each month starting

15:02:25

20 November 25th paying \$50 for October, did HCH for 20  
21 months, first pay \$50, 19 others at 111.74. Put in a  
22 do a deal that to get verified, customer lives  
23 paycheck to paycheck, many conversations with her,  
24 lives in California, says maybe has a 150 left over,  
25 her son is ill and having all kinds of issues with

15:02:42

15:02:59

15:03:23

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1 Q And all of this is being done at the same time 15:06:07  
2 Ms. Johnson is on the telephone?  
3 A Yes, sir, we do that with every customer. We have to  
4 make sure the deal is verified.  
5 Q So the deal data verified the first -- the first one 15:06:16  
6 done by Sabra?  
7 A Sabra, uh-huh.  
8 Q This is making sure that CFS will agree to the deal?  
9 A It's a manager okaying the deal is what it is.  
10 Q On CFS' behalf? 15:06:33  
11 A Right. Right.  
12 Q And then Sarah Beth Parrish, she is in the  
13 verification department, and she's going to verify  
14 the deal with the customer?  
15 A Right, verifies everything, the customer agrees to 15:06:44  
16 the \$50 and the \$111. She restates the whole deal to  
17 the customer.  
18 Q Okay. Is the entry from Sabra that's -- is there --  
19 That's an entry in the system.  
20 Q She wasn't on phone? 15:06:57  
21 A No, but -- and that's where I made the mistake.  
22 Sarah Parrish that call was recorded.  
23 Q Okay. So then Sarah Parrish gets on the very same  
24 phone call?  
25 A It's transferred to her, yes, sir. 15:07:07

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1 Q Transferred or is it a three way?

15:07:09

2 A No, it's transferred. Well, it's a three way and  
3 then it's dropped to Sarah. The CC does the three  
4 way.

5 Q So that would be a separate recording?

15:07:15

6 A It should be. It might all be one, but, yeah, it  
7 will be -- either way it will right near the same  
8 time on the recordings.

9 MR. SCHWINN: Okay. I'd like to have that  
10 recording.

15:07:26

11 Q (By Mr. Schwinn) And then the next entry says, Kathy  
12 funding source created 10/27/2011 at 7:26 p.m.  
13 What's happening here

14 A That's just if -- that's where if you have a funding  
15 source that means it's a check by phone or credit  
16 card or it's something that we have, not a mail in.  
17 If it was just a mail in we wouldn't have anything  
18 there.

15:07:42

19 Q Okay. Are there any special procedures at CFS when  
20 dealing with people of advanced age 75, 76 years old?

15:07:58

21 A We have a whole large portfolio of people in nursing  
22 homes we don't call. We put them separate. We will  
23 do that with people overseas, and we have a nursing  
24 home portfolio.

25 Q And you don't collect on nursing home portfolio?

15:08:21

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1 A Yes.

15:09:39

2 Q Okay. And what's your title?

3 A Department head loan servicing.

4 Q It looks like the next couple of entries might go  
5 together. Kelly Allen, ACH authorization. Something  
6 dot PDF. Is that a paper document?

15:09:54

7 A That's the ACH form that they sign to do the check by  
8 phone, the draft every month.

9 Q Who signed that?

10 A Who signed that? The customers.

15:10:18

11 Q So this would be a PDF of a signed document from  
12 either Bruce or Erna Johnson?

13 A Right, yes, sir.

14 Q Okay.

15 MR. SCHWINN: I ask that that be produced.

15:10:29

16 MS. GRIMES: That wouldn't be produced. We  
17 shred those once they are processed.

18 MR. SCHWINN: Okay. Well, then you'll need  
19 to -- we'll take this up later, but evidence that  
20 has been shredded can be a problem.

15:10:41

21 MS. GRIMES: Well, actually, I'm going to  
22 object to any further questions. I just sat here  
23 and read through this petition. We're here about  
24 a letter. We've covered the part that covered the  
25 letter. We're not really covering anything that's

15:10:50

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1 Q Well, you sent it to this Stonewood Lane, and it  
2 never came back?

15:13:17

3 A Right.

4 Q Or at least the notes don't indicate that it came  
5 back, correct?

15:13:25

6 A Right.

7 Q But the notes don't indicate that it was sent out  
8 either, these notes that we have Exhibit 2. And  
9 you're not going to discuss Exhibit No. 2 anymore so  
10 I understand.

15:13:35

11 Exhibit 7 which is the resend of the first  
12 letter intended by CFS to be the first letter to that  
13 address, Exhibit 8 procedure doesn't cover that  
14 letter?

15 A Right. It covers the first letter.

15:13:50

16 Q Right. But Exhibit 8 does not cover the letter  
17 Exhibit 7?

18 A No.

19 Q Because it's a different factual scenario why that  
20 letter was sent out?

15:14:01

21 A Right.

22 Q Okay. And this procedure was issued on May 14, 2012;  
23 is that correct? It says at the bottom.

24 A Yes. Yes, sir.

25 Q And that's considerably after the letters in this

15:14:13

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1 case. Was there a previous procedure before this  
2 one?

15:14:17

3 A This would be -- the procedure I have in front of me  
4 is the only procedure I know.

5 Q You don't know of previous procedure before this?

15:14:26

6 A We have procedures, but I don't have it in writing.  
7 I don't know specifics about it.

8 Q So this is the -- this procedure that we have here is  
9 the first time that CFS put their first letter  
10 procedure in writing?

15:14:44

11 A I'm guessing there was other first -- I believe there  
12 was other first letter procedures. This is just an  
13 updated one here.

14 MR. SCHWINN: Counsel, we've requested all  
15 the procedures during the relevant time period.  
16 This isn't during the relevant time period, so.

15:15:00

17 MS. GRIMES: This does cover the relevant  
18 time period. The company was a start-up company  
19 in 2010. This is how they were handling it. They  
20 just finally got it in writing in May of 2012.

15:15:14

21 MR. SCHWINN: So you're representing that  
22 there's no prior written procedure before  
23 May 14th, 2012?

24 MS. GRIMES: Yes. And I can definitely say  
25 there is not because as you can see I signed off

15:15:25

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## 1 CERTIFICATE

2 STATE OF OKLAHOMA )  
 ) SS  
 3 COUNTY OF TULSA )  
 4

5 I, Michele Vest, Certified Shorthand Reporter in  
 6 and for the State of Oklahoma, do hereby certify that on the  
 7 6th day of November, 2012, at the offices of Frank Peterson  
 8 Reporting Service, 9 East Fourth Street, Suite 902, Tulsa,  
 9 Oklahoma, appeared the above witness, BRYAN R. LOHMEYER, who  
 10 was by me duly sworn to testify the truth, the whole truth  
 11 and nothing but the truth in the case aforesaid and that the  
 12 deposition by him was reduced by me in stenograph and  
 13 thereafter transcribed under my supervision, and is fully  
 14 and accurately set forth in the preceding 88 pages.

15 I do further certify that I am not related to nor  
 16 attorney for any of the parties hereto or otherwise  
 17 interested in the event of said action.

18 WITNESS my hand this 16th day of November,  
 19 2012.

20  
 21 Michele Vest  
 State of Oklahoma  
 Certified Shorthand Reporter  
 CSR # 1759

22 Michele Vest  
 Michele Vest, CSR

23 My Certificate Expires Dec. 31, 2012

